

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MICHAEL CRAWFORD §
VS. § CIVIL ACTION NO. 9:20-CV-20
TEXAS DEPARTMENT OF CRIMINAL §
JUSTICE, *et al.*, §

MEMORANDUM OPINION AND ORDER OVERRULING
OBJECTIONS AND ADOPTING REPORT AND RECOMMENDATION

Plaintiff, Michael Crawford, an inmate formerly confined at the Polunsky Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants TDCJ, UTMB, Warden Michael J. Butcher, Senior Practice Manager Anitra Lindley, Former Facility Medical Director James Geddes, Mental Health Clinician Jeanette Harden, Mental Health Clinician Anthony Freeman, Sergeant of Correctional Officers Ricardo Villafuerta, Correctional Officer IV Kimberly Williams, and Unit Grievance Investigator III Ashley L. Stephenson.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Lufkin, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing all of Plaintiff's against all the Defendants in their individual and official capacities as frivolous and for failure to state a claim, with the exception of the claims against Defendant Harden in her individual capacity (doc. # 39).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the records, and pleadings. Plaintiff filed a Motion for Extension of Time to file Objections, a Motion to Appoint Counsel, a Motion to Amend and Objections on October 11, 2022 (doc. # 42). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

Plaintiff continues to argue he is entitled to and needs a free transcript of the *Spears* hearing in order to properly form his objections. For the reasons outlined in the order of the magistrate judge entered September 20, 2022 (doc. # 41), this request is denied. Furthermore, Plaintiff has already been granted an extension to file his objections which are considered here.

To the extent Plaintiff asks this court to appoint him counsel in this proceeding, this request has already been denied by the magistrate judge three times (doc #s 14 & 20) and this court sees no reason to disturb those rulings. Plaintiff's Fourth and Fifth Motions to Appoint Counsel filed March 2, 2022 and April 26, 2022 (doc. #s 22 & 33) and the current motion are similarly denied.

As relief in this proceeding, Plaintiff continually asks this court to appoint him counsel so that he can pursue state habeas relief relating to his criminal conviction. As the magistrate judge stated during the *Spears* hearing, that is relief beyond the jurisdiction of this court which cannot and will not be granted.

Plaintiff also files a motion to amend, seeking to expound on his claim of retaliation originally discussed during the *Spears* hearing. This request is denied as futile as Plaintiff's claims of retaliation are still conclusory. Plaintiff does not identify an individual defendant who allegedly retaliated against him, nor does he offer any factual detail to support this claim.

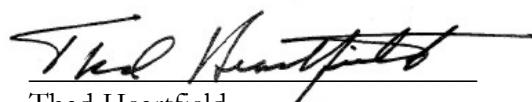
Finally, as to Plaintiff's Objections concerning the recommendation of the magistrate judge, Plaintiff simply recites his general complaints regarding his medical and mental health care while incarcerated and offers no legal basis to overturn the recommendation of the magistrate judge. Plaintiff, in fact, spends considerable time lodging new complaints which will not be considered here.

ORDER

Accordingly, plaintiff's Objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ADOPTED**. A Partial Judgment will be entered in accordance with the recommendation of the Magistrate Judge. It is, further,

ORDERED that Plaintiff's Motions to Appoint Counsel (doc. #s 22, 33 & 42) are **DENIED**.

SIGNED this the 21 day of **October, 2022**.



Thad Heartfield
United States District Judge